

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA
2211 UNITED STATES COURTHOUSE
75 SPRING STREET, SW
ATLANTA, GEORGIA 30303-3361

JAMES N. HATTEN
DISTRICT COURT EXECUTIVE
AND CLERK OF COURT

DOCKETING SECTION
404-215-1655

April 1, 2015

Douglas Mincher, Clerk of Court
U.S. Court of Appeals, Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

U.S.D.C. No.: 1:15-cv-596-WBH

U.S.C.A. No.: 00-00000-00

In re: **Ken Joseph v. Nationstar Mortgage, LLC et al**

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

☒ **Certified copies of the notice of appeal, docket sheet and judgment and/or order appealed enclosed.**

☐ This is not the first notice of appeal. Other notices were filed on: .

☒ **There is no transcript.**

☐ The court reporter is .

☐ There is sealed material as described below: .

☐ Other: .

☐ Fee paid on .

☐ Appellant has been leave to file *in forma pauperis*.

☐ This is a bankruptcy appeal. The Bankruptcy Judge is .

☐ The Magistrate Judge is .

☒ **The District Judge is Willis B. Hunt, Jr.**

☐ This is a **DEATH PENALTY** appeal.

Sincerely,

James N. Hatten
District Court Executive
and Clerk of Court

By: P. McClam
Deputy Clerk

Enclosures

APPEAL,CLOSED,SUBMDJ

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:15-cv-00596-WBH
Internal Use Only

Joseph v. Nationstar Mortgage, LLC et al
Assigned to: Judge Willis B. Hunt, Jr
Cause: 15:1692 Fair Debt Collection Act

Date Filed: 02/27/2015
Date Terminated: 03/02/2015
Jury Demand: Plaintiff
Nature of Suit: 480 Consumer Credit
Jurisdiction: Federal Question

Plaintiff**Ken Joseph**

represented by **Ken Joseph**
596 Middleton Place
Grayson, GA 30017
443-831-8884
PRO SE

V.

Defendant**Nationstar Mortgage, LLC****Defendant****McCalla Raymer, LLC****Defendant****Albertelli Law**

Date Filed	#	Page	Docket Text
02/27/2015	<u>1</u>		APPLICATION for Leave to Proceed in forma pauperis by Ken Joseph. (Attachments: # <u>1</u> Complaint, # <u>2</u> Civil Cover Sheet)(adg) (Entered: 02/27/2015)
02/27/2015			Submission of <u>1</u> APPLICATION for Leave to Proceed in forma pauperis, submitted to Magistrate Judge Russell G. Vineyard. (adg) (Entered: 02/27/2015)
03/02/2015	<u>2</u>		ORDER granting <u>1</u> Application for Leave to Proceed in forma pauperis pursuant to 28 U.S.C. §1915(a), and he shall be allowed to proceed with this action without prepayment of filing fees, docket costs, or United States Marshal service fees. However, it is further ORDERED that service of process shall not issue at the present time, and the Clerk shall submit this file to the assigned district judge for a frivolity determination under 28 U.S.C. § 1915(e)(2). Signed by Magistrate Judge Russell G. Vineyard on 3/2/15. (jta) (Entered: 03/02/2015)
03/02/2015			

			Clerks Certificate of Mailing as to Ken Joseph re <u>2</u> Order on Application for Leave to Proceed in forma pauperis. (jta) (Entered: 03/02/2015)
03/02/2015	<u>3</u>		COMPLAINT with Jury Demand filed by Ken Joseph. (Attachments: # <u>1</u> Civil Cover Sheet)(jta) Please visit our website at http://www.gand.uscourts.gov/forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 03/02/2015)
03/02/2015			Submission of <u>2</u> Order on Application for Leave to Proceed in forma pauperis, submitted to District Judge Willis B. Hunt, Jr.. (jta) (Entered: 03/02/2015)
03/02/2015			Submission of <u>3</u> Complaint on request for TRO and for frivolity determination, submitted to District Judge Willis B. Hunt. (adg) Modified on 3/2/2015 (adg). (Entered: 03/02/2015)
03/02/2015	<u>4</u>	3	ORDER DISMISSING CASE AS FRIVOLOUS pursuant to 28 USC 1915(e)(2). Signed by Judge Willis B. Hunt, Jr., on 3/2/15. (jta) (Entered: 03/03/2015)
03/02/2015			Civil Case Terminated. (jta) (Entered: 03/03/2015)
03/03/2015			Clerks Certificate of Mailing as to Ken Joseph re <u>4</u> Order Dismissing Case as Frivolous. (jta) (Entered: 03/03/2015)
03/03/2015	<u>5</u>	5	CLERK'S JUDGMENT entered dismissing action as frivolous pursuant to 28 USC 1915A. (jta)—Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist— (Entered: 03/03/2015)
03/03/2015			Clerks Certificate of Mailing as to Ken Joseph re <u>5</u> Clerk's Judgment. (jta) (Entered: 03/03/2015)
03/12/2015	<u>6</u>		MOTION for Reconsideration re <u>4</u> Order Dismissing Case as Frivolous by Ken Joseph. (adg) (Entered: 03/13/2015)
03/13/2015			Submission of <u>6</u> MOTION for Reconsideration re <u>4</u> Order Dismissing Case as Frivolous, submitted to District Judge Willis B. Hunt. (adg) (Entered: 03/13/2015)
03/31/2015	<u>7</u>	6	NOTICE OF APPEAL as to <u>5</u> Clerk's Judgment and <u>4</u> Order Dismissing Case as Frivolous by Ken Joseph. Transcript Order Form due on 4/14/2015. (Attachments: # <u>1</u> NOA Transmittal Letter)(cc:USCA)(pjm) (Entered: 04/01/2015)
03/31/2015	<u>8</u>		APPLICATION to Appeal in forma pauperis by Ken Joseph. (pjm) (Entered: 04/01/2015)
04/01/2015			Submission of <u>8</u> APPLICATION to Appeal in forma pauperis, re: <u>7</u> Notice of Appeal submitted to District Judge Willis B. Hunt, Jr. (pjm) (Entered: 04/01/2015)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KEN JOSEPH,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:15-CV-0596-WBH
	:	
NATIONSTAR MORTGAGE, LLC,	:	
et al.,	:	
Defendants.	:	

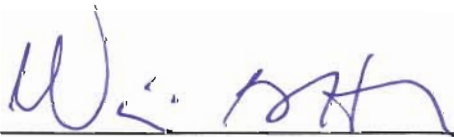
ORDER

Plaintiff, proceeding pro se, filed the instant action and was granted leave to proceed in forma pauperis. The matter is now before the Court for a frivolity determination pursuant to 28 U.S.C. § 1915(e)(2). Section 1915(e)(2) requires this Court to review and dismiss any pro se complaint filed in forma pauperis if the court determines that the action: (1) is frivolous, malicious or fails to state a claim on which relief may be granted or (2) seeks monetary relief against a defendant who is immune from such relief. Under this standard, a district court must review the complaint and dismiss sua sponte those claims premised on meritless legal theories or that clearly lack any factual basis. Denton v. Hernandez, 509 U.S. 25, 27 (1992). A claim is frivolous “where it lacks an arguable basis either in law or in fact.” Neitzke v. Williams, 990 U.S. 319, 325 (1989). A complaint may be dismissed for failure to state a claim on which relief may be granted when it appears beyond doubt that the

plaintiff can prove no set of facts in support of her claim which would entitle her to relief. Scheuer v. Rhodes, 916 U.S. 232 (1979).

This is Plaintiff's second action challenging the foreclosure of his home. On October 28, 2014, this Court dismissed Plaintiff's prior challenge to his foreclosure with prejudice. See Joseph v. McCalla Raymer, LLC, et al., 1:13-cv-04122-WBH (Docket Entry 36). Accordingly, the instant action is barred under the doctrine of *res judicata*. As such, this Court concludes that Plaintiff cannot establish that he is entitled to relief, and the instant complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2).

IT IS SO ORDERED, this 2nd day of March, 2015.



WILLIS B. HUNT, JR.
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KEN JOSEPH

Plaintiff,

vs.

NATIONSTAR MORTGAGE, LLC, et al

Defendants.

CIVIL ACTION FILE

NO. 1:15-cv-596-WBH

J U D G M E N T

This action having come before the court, Honorable Willis B. Hunt, Jr., United States District Judge, for a frivolity determination pursuant to 28 U.S.C. §1915A, and the court having made such determination, it is

Ordered and Adjudged that the action be **DISMISSED** as frivolous.

Dated at Rome, Georgia, this 3rd day of March, 2015.

JAMES N. HATTEN
CLERK OF COURT

By: s/J. Acker
Deputy Clerk

Prepared, Filed, and Entered
in the Clerk's Office
March 3, 2015
James N. Hatten
Clerk of Court

By: s/J. Acker
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

MAR 31 2015

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

KEN JOSEPH

plaintiff,

V.

**NATIONSTAR MORTGAGE, LLC;
McCALLA RAYMER, LLC &
ALBERTELLI LAW**
Defendants,

Case No.: 1:15-CV-00596-WBH

NOTICE OF APPEAL

Notice is hereby given that Ken Joseph (“Plaintiff”) in the above named case, hereby appeal to the United States Court of Appeals for the Eleventh Circuit from the final judgment dismissing the case as frivolous which an entry was entered in this action on March 31, 2015.

Dated: March 31, 2015

Respectfully submitted,

Ken Joseph
596 Middleton Place,
Grayson, GA 30017
443-831-8884
Sem252525@aol.com

APPEAL RECEIPT SHEET

Case Number:

1:15-cv-596-WBH

Date fee paid
over the counter:

EFP 3/31/15

Date fee paid and date check
receipted from check log:

Transcript Order Form
given to attorney/courier:

Yes



No